

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**CR. No. 17-370 JCH**

**IMAD AYSHEH, *also known as*  
IMAD MANASSRA, IYAD AYSHEH,  
NEDAL AYSHEH, and RAED AYSHEH,**

**Defendants.**

**ORDER**

This case is before the Court on *Defendants' Unopposed Joint Motion for Permission to Waive Personal Appearance and Appear by Video or Telephonically for June 13, 2023, Motion Hearings* [Doc. 310], filed June 8, 2023. Defendants, all of whom live out of state, request that the Court allow them to waive their personal appearances at a motion hearing to be held in Albuquerque, New Mexico on June 13, 2023. Motions to be addressed at that hearing include a *Daubert* motion filed by the Government, two *Daubert* motions filed jointly by the Defendants, one motion for grand jury transcripts and instructions filed jointly by the Defendants, and Nedal Aysheh's attorney's motion to withdraw as counsel.

As grounds for their motion to waive personal appearance, Defendants assert that the cost of traveling to attend the hearing would create a financial hardship. In addition, Defendant Nedal Aysheh asserts that he has job interviews and that his children have multiple medical appointments during the week of June 13.

With regard to Defendants Imad Aysheh, Iyad Aysheh, and Raed Aysheh, the motion to waive personal appearance is granted. The motions involving those defendants that will be heard on June 13, 2023, involve purely legal argument, and therefore their personal appearances are not essential. They may waive their appearances entirely. However, if Imad Aysheh, Iyad Aysheh, or Raed Aysheh wish to attend the hearing telephonically, their counsel may contact the undersigned judge's courtroom deputy to make those arrangements.

Defendant Nedal Aysheh is in a different position, as his attorney has recently filed an opposed motion to withdraw as counsel that will be heard on June 13, 2023. That motion comes less than two months before the long-scheduled July 17, 2023, jury trial; more than three and a half years after his counsel was appointed; after continuances of several prior trial dates; and more than six years after the grand jury returned the indictment. The Court is prepared to proceed to trial on July 17, and a motion to withdraw at this late date is a serious matter which the Court must discuss with both Nedal Aysheh and his attorney. That can only be accomplished effectively in person. Accordingly, the Court will deny Nedal Aysheh's request to waive his appearance and orders him to appear at the hearing at the federal courthouse in Albuquerque on June 13, 2023.

**IT IS THEREFORE ORDERED** that the *Joint Defense Motion to Reconsider Memorandum Opinion and Order Regarding the Admissibility of Statements ... [Doc. 230]* is **GRANTED IN PART** and **DENIED IN PART** as explained herein.

  
UNITED STATES DISTRICT JUDGE